

To: Levine, Carolyn[Levine.Carolyn@epa.gov]
From: Distefano, Nichole
Sent: Mon 8/17/2015 6:52:48 PM
Subject: RE: Gold King

I will have call on so you can listen here and just pop to your desk if you need to

Nichole Distefano

Deputy Associate Administrator

Office of Congressional and Intergovernmental Relations

Environmental Protection Agency

(202) 564-5200

Distefano.Nichole@epa.gov

From: Levine, Carolyn
Sent: Monday, August 17, 2015 2:51 PM
To: Distefano, Nichole
Subject: Re: Gold King

Ok I'll come back, too many things going on. Assume you'll fill me in on anything from call anyway.

Carolyn Levine

U.S. EPA

Office of Congressional Affairs

(202) 564-1859

On Aug 17, 2015, at 2:48 PM, Distefano, Nichole <DiStefano.Nichole@epa.gov> wrote:

OPA has asked for edits by 3:30 so potentially before the call is over but not 100% sure.

Nichole Distefano

Deputy Associate Administrator

Office of Congressional and Intergovernmental Relations

Environmental Protection Agency

(202) 564-5200

Distefano.Nichole@epa.gov

From: Levine, Carolyn
Sent: Monday, August 17, 2015 2:45 PM
To: Distefano, Nichole
Subject: Re: Gold King

Ok. Do you think in next hour-if so I'll come back to handle motifs in lieu of listening in with Mathy for 3 pm call.

Carolyn Levine

U.S. EPA

Office of Congressional Affairs

(202) 564-1859

On Aug 17, 2015, at 2:41 PM, Distefano, Nichole <DiStefano.Nichole@epa.gov> wrote:

So I think you will have a statement on this soon that you can send him which will answer some of these questions. I think there is an independent OIG review but I don't know if the OIG has made that public or not.

Nichole Distefano

Deputy Associate Administrator

Office of Congressional and Intergovernmental Relations

Environmental Protection Agency

(202) 564-5200

Distefano.Nichole@epa.gov

From: Levine, Carolyn
Sent: Monday, August 17, 2015 2:15 PM
To: Distefano, Nichole
Subject: Fwd: Gold King

FYI

Carolyn Levine

U.S. EPA

Office of Congressional Affairs

(202) 564-1859

Begin forwarded message:

From: "Brown, Byron (EPW)" <Byron_Brown@epw.senate.gov>
Date: August 17, 2015 at 2:07:16 PM EDT
To: "Bodine, Susan (EPW)" <Susan_Bodine@epw.senate.gov>, "Levine, Carolyn" <Levine.Carolyn@epa.gov>
Cc: "Jackson, Ryan (Inhofe)" <Ryan_Jackson@inhofe.senate.gov>
Subject: RE: Gold King

Hi Carolyn – The FAQs on the EPA website states, “EPA is in the process of initiating an independent assessment by a sister federal agency or another external entity to examine the factors that led to the Gold King Mine incident. Based on the outcome from that assessment, EPA will determine what actions may be necessary to avoid similar incidents at other sites.”

What is the process for identifying and selecting the entity to conduct an independent assessment? Where is EPA in that process? Which entities or agencies is EPA contacting, and has one been selected? What are the qualifications and expertise EPA is looking for in selecting the entity to do the assessment? What is the timing for completing this assessment? Is there a letter or other documentation from EPA to the entity memorializing the agreement or scope to do the assessment, and if so, can we get a copy? And did EPA consider requesting the OIG to conduct the assessment? If not, why? And if yes, why is the OIG not doing the assessment?

Thanks.

From: Bodine, Susan (EPW)
Sent: Monday, August 17, 2015 12:22 PM
To: Levine, Carolyn
Cc: Brown, Byron (EPW); Jackson, Ryan (Inhofe)
Subject: RE: Gold King

Thank you Carolyn.

We are still looking for the pre-spill time line as well as the steps taken post spill to notify tribes, states, and local governments. We also would like copies of the regulatory/enforcement actions taken.

Pre-spill:

It appears that EPA started work to open Gold King in 2014, and ran out of time in the construction season and decided to come back.

It also appears that EPA conducted borings and other investigations in 2010 before opening up Red and Bonita to reduce risk of a blow out – but it does not look like similar actions were taken at Gold King. Can you ask Steve Way what preliminary work they did at Gold King to make sure it was safe to open the portal?

It also appears that the issue of possible inter-connectivity between Red and Bonita and Gold King was known and the possibility of groundwater rising to discharge at Gold King was flagged.

One major concern is the unknown groundwater inter-connectivity between the R&B and the nearby Gold King Mine. Although there are no known man made connections such as holes, raises or stopes, without direct knowledge of the final extent and configuration of workings, these types of connections could exist. It is more likely that there are at least deep, discrete groundwater-bearing structures that are intersected by both mines, and it is possible that plugging the R&B adit level could force the local groundwater system to rise high enough along these pathways such that discharge increases at the Gold King Mine.

http://www.epaossc.org/sites/8417/files/RedandBonita%20Adit_Field%20Activities%20Report.pdf

How complete was the work at Red and Bonita by August 5? Was the discharge there already partly or wholly cut off (such that groundwater would seek another preferential pathway)?

Post-spill:

When did EPA notify downstream water users?

Regulatory/Enforcement

We already have the October 2008 consent decree with Standard Metals. Civil Action No. 08-cv-02741-MSK-KMT. Under that consent decree, the U.S. had the option to take title to property. Did the U.S. ever take title to any of the Standard Metals properties?

We already have the 2011 Access AOC (CERCLA-08-2011-0008) with Hennis/San Juan Corp.

Can you provide:

1. Confidential enforcement memo accompanying the Sept 24, 2014 removal action memo.
2. 1996 agreement between Sunnyside Mines (or Echo Bay) and the Colorado Water Quality Control Division.
3. 2002 settlement among Hennis (San Juan Corp), Sunnyside (Echo Bay), and Steve Fearn (Gold King Mining Corp)

From: Levine, Carolyn [<mailto:Levine.Carolyn@epa.gov>]
Sent: Friday, August 14, 2015 5:17 PM
To: Bodine, Susan (EPW)
Subject: RE: Gold King

Susan,

Below is a response to your question about the work at the Gold King Mine. We are still working on the other questions. Please let me know if you have further questions.

The recent work at the Gold King Mine was the initial activities being conducted as part of a removal site assessment. The plan was to re-open the Gold King Mine portal and workings to investigate the conditions to assess the on-going releases. This included the extraction of an unknown amount of water ponded behind the portal debris blockage, followed by removal of the blockage and stabilization of the portal opening.

When completed, the assessment would identify and characterize specific water flows into the mine and evaluate potential means to mitigate those flows if possible. This evaluation was being performed in parallel with the time-critical removal action at the Red and Bonita Mine in order to observe possible changes

in the discharge at the Gold King Mine that may be caused by the installation of the bulkhead at the Red and Bonita this summer. The bulkhead was scheduled to be completed this Fall.

Carolyn Levine

Office of Congressional and Intergovernmental Relations

U.S. EPA

(202) 564-1859

levine.carolyn@epa.gov

From: Bodine, Susan (EPW) [mailto:Susan_Bodine@epw.senate.gov]

Sent: Thursday, August 13, 2015 10:11 AM

To: Levine, Carolyn

Subject: Gold King

Carolyn,

Please confirm that the time critical removal action that included the work at Gold King was the action to install a plug at the Red and Bonita mine (fact sheet attached; Sept 24, 2014 action memo was too big to send).

When was the installation of that plug complete?

Susan Parker Bodine

Chief Counsel

U .S. Senate Environment & Public Works Committee

410 Dirksen Senate Office Building

Washington, DC 20510

202-224-6176